

Application Serial No. 10/710,499
Amendment dated November 15, 2005
Reply to Office Action of August 16, 2005

Remarks

Claims 1-20 are pending in the application. Claims 1-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,520,313 ("Toshihide") while claims 10-20 stand withdrawn from further consideration by Examiner as being drawn to a non-elected invention.

New claim 10 is similar to independent claim 1 but further recites that a portion of one of the at least one body connecting member or of the at least one cover connecting member is molded over, *i.e.* overmolded, a portion of the other one of the at least one body or cover connecting member. Support for the new claim can be found in at least [0010], [0029], [0032], [0036], [0037], and Figs. 2, 2A, 2B, 4B, and 5 of the specification.

July 1, 2005 -- Teleconference with Examiner

During a teleconference with Examiner on July 1, 2005, Applicants' representative, on behalf of the Applicants, made a provisional election, without traverse, of claims 1-9 drawn to an automotive interior trim assembly. Applicants' representative hereby affirms the election (without traverse) of claims 1-9, which includes the withdrawal from consideration of claims 10-20 drawn to a method of forming an automotive ashtray in a two-shot molding operation.

102(b) Rejections over Toshihide -- Claims 1-9

The Toshihide reference appears to be directed to a small article accommodating unit 10 for a vehicle. The small article accommodating unit includes a

Application Serial No. 10/710,499

Amendment dated November 15, 2005

Reply to Office Action of August 16, 2005

hollow box 30 having an open top, a cover 40 for opening/closing the open top of the box 30, and a cup holder 60 movably held in the box 30 and holding cups 50 or the like exemplified by cups, cans and bottles in the hollow space in the box 30. The cover 40 can include, for example, metal shafts 140 and 150 that pass through shaft holes 101 in the box 30 so that the cover 40 can be moved from an open and closed position. See, e.g., col. 6, lines 30-44; col. 8, lines 1-9; and FIG. 1.

It is well established that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For the following reasons, Toshihide clearly fails to teach each and every element of Applicants' invention as recited at least in independent claim 1.

In rejecting claim 1, Examiner references numeral 280 to teach at least one connecting member 280 that is integrally formed with cover 40. However, upon closer review, numeral 280 actually refers to spring pins 280 that are concentrically inserted into holes in the cover 40. See, e.g., col. 12, lines 15-17. Accordingly, spring pins 280 are not integrally formed with the cover 40. Therefore, numeral 280 fails to teach at least one connecting member integrally formed with the cover as recited in claim 1.

Further concerning dependent claim 2, Toshihide fails to teach at least one body connecting member that comprises at least one projecting portion extending therefrom and at least one cover connecting member that comprises at least one receiving portion therein for receiving the at least one projecting portion. Rather, Toshihide teaches box 30 or 401 with shaft holes 101 or guide grooves 410. Clearly, holes 101 and

Application Serial No. 10/710,499

Amendment dated November 15, 2005

Reply to Office Action of August 16, 2005

grooves 410 are not projecting portions. In fact, the cover 40 or 404 in Toshihide, not the box 30, 401, discloses rotation shafts 140, 150, or 402, 403 that project therefrom for insertion into the holes 101 or grooves 410. See, e.g., col. 8, lines 1-9; col. 14, lines 8-14; col. 15, lines 44-51; col. 16, lines 54-67; and Figs. 1 and 23.

In addition, with respect to dependent claim 6, Examiner states that the first material of the compartment body is polycarbonate/acrylonitrile butadiene styrene and the second material of the cover is selected from the group consisting of polypropylene, polyoxymethylene, and polyamide 6. However, upon closer review of Toshihide, there is no disclosure of a second material selected from the group consisting of polypropylene, polyoxymethylene, and polyamide 6. In fact, Toshihide actually teaches that the box 30 and cover 40 both similarly are made of thermosetting resin, such as ABS resin. See col. 6, lines 45-49 and col. 7, lines 57-63.

Accordingly, Applicants submit that rejected independent claim 1, and its dependent claims, is allowable over Toshihide.

New Claim 21

Concerning claim 21, Toshihide further fails to teach Applicants' new claim 21 insofar as there is no disclosure in Toshihide of a portion of a connecting member (e.g. a portion of a cover connecting member) that is molded over a portion of the other connecting member (e.g. overmolded a portion of a compartment body connecting member) to couple the cover to the compartment body. As already discussed above, Toshihide teaches that rotation shafts 140, 150, 402, 403 of cover 40, 404 are inserted, or received, through shaft holes 101 or guide grooves 410 in box 30, 401. See,

Application Serial No. 10/710,499

Amendment dated November 15, 2005

Reply to Office Action of August 16, 2005

e.g., col. 8, lines 1-9; col. 14, lines 8-14; col. 15, lines 44-51; col. 16, lines 54-67; and

Figs. 1 and 23. Accordingly, there is no teaching in Toshihide of a portion of a connecting member that is molded over a portion of another connecting member to couple the cover to the compartment body as recited in Applicants' new claim 21.

Conclusion

For all of the above reasons, Applicants submit that claims 1-9 and new claim 21 are in condition for allowance. As such, given the amendments and remarks presented above, Applicants request allowance of all pending claims (claims 1-9 and 21). If any further issues remain, Applicants ask Examiner to call Applicants' representative to discuss and resolve any such issues.

Applicant submits that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, LLP

Randall S. Jackson, Jr.

By: Randall S. Jackson, Jr. (48,248)

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
513-241-2324 (phone)
513-241-6234 (fax)